

117TH CONGRESS
1ST SESSION

H. R. 3447

To amend title XVIII of the Social Security Act to expand accessibility to certain telehealth services under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2021

Mr. SMITH of Missouri (for himself and Mr. GOTTHEIMER) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to expand accessibility to certain telehealth services under the Medicare program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Permanency for Audio-
5 Only Telehealth Act”.

1 **SEC. 2. EXPANDING ACCESSIBILITY TO CERTAIN TELE-**
2 **HEALTH SERVICES UNDER THE MEDICARE**
3 **PROGRAM.**

4 (a) USE OF AUDIO-ONLY TELECOMMUNICATIONS
5 SYSTEMS FOR CERTAIN SERVICES.—Section 1834(m)(4)
6 of the Social Security Act (42 U.S.C. 1395m(m)(4)) is
7 amended by adding at the end the following new subpara-
8 graph:

9 “(G) TELECOMMUNICATIONS SYSTEM.—

10 “(i) IN GENERAL.—The term ‘tele-
11 communications system’ includes, in the
12 case of a qualified provider (as defined in
13 clause (ii)) furnishing a specified telehealth
14 service (as defined in such clause) to an in-
15 dividual, a communications system con-
16 sisting only of audio capabilities, but only
17 if such individual elects to use such system
18 in lieu of a communications system pro-
19 viding both audio and visual capabilities.

20 “(ii) DEFINITIONS.—For purposes of
21 clause (i):

22 “(I) QUALIFIED PROVIDER.—The
23 term ‘qualified provider’ means, with
24 respect to a telehealth service fur-
25 nished to an individual, a physician or
26 practitioner who—

1 “(aa) furnished to such indi-
2 vidual an item or service (other
3 than such telehealth service) in-
4 person, or through a communica-
5 tions system consisting of both
6 audio and visual capabilities, dur-
7 ing the 3-year period ending on
8 the date such telehealth service
9 was furnished; or

10 “(bb) is in the same practice
11 (as determined by tax identifica-
12 tion number) of a physician or
13 practitioner described in item
14 (aa).

15 “(II) SPECIFIED TELEHEALTH
16 SERVICE.—The term ‘specified tele-
17 health service’ means a telehealth
18 service consisting of—

19 “(aa) evaluation and man-
20 agement services;

21 “(bb) mental and behavioral
22 health services;

23 “(cc) substance use disorder
24 services; or

1 “(dd) any other service spec-
2 ified by the Secretary.

3 Such term does not include commu-
4 nication of lab results from a physi-
5 cian or practitioner to an individual
6 via a telecommunications system un-
7 less such communication involves a di-
8 agnosis of such individual based on
9 such results or the prescription, or
10 modification of a prescription, of a
11 drug based on such results.”.

12 (b) NONAPPLICATION OF ORIGINATING SITE RE-
13 QUIREMENTS WITH RESPECT TO TELEHEALTH SERVICES
14 UNDER MEDICARE PROGRAM.—Section 1834(m)(4)(C) of
15 the Social Security Act (42 U.S.C. 1395m(m)(4)(C)) is
16 amended—

17 (1) in clause (i), by inserting before “para-
18 graphs (5), (6), and (7)” the following: “clause (iii)
19 and”; and

20 (2) by adding at the end the following new
21 clause:

22 “(iii) NONAPPLICATION OF ORIGI-
23 NATING SITE REQUIREMENTS.—Beginning
24 on the first day of the emergency period
25 described in section 1135(g)(1)(B), the

1 term ‘originating site’ means any site at
2 which the eligible telehealth individual is
3 located at the time the service is furnished
4 via a telecommunications system.”.

5 (c) EFFECTIVE DATE.—The amendment made by
6 subsection (a) shall apply with respect to telehealth serv-
7 ices furnished after the last day of the emergency period
8 described in section 1135(g)(1)(B) of the Social Security
9 Act (42 U.S.C. 1320b–5(g)(1)(B)).

○